

## REMARKS

The Office Action mailed September 1, 2010 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-8 and 10-19 are pending and stand rejected.

Claims 1, 6 and 17 are independent claims.

Claims 1 and 6 have been amended.

Claims 1-8 and 10-19 stand rejected under 35 USC 112, second paragraphs as being indefinite. Claims 1-8 and 10-19 stand rejected under 35 USC 102(e) as being anticipated by Takahashi (WO2004/059648) (Also, USP no. 7,453,782).

In support of the rejection of claims 1-8 and 10-19 under 35 USC 112, second paragraph, the Office Action asserts that the "limitation 'which of selected ones of each said at least one area' and 'selected ones of each of said at least one area' lacks sufficient antecedent basis. Furthermore only one area is required by the claim making unclear as to what selection of those suppose 'each of said at least one area' is being, was or were made."

Applicant respectfully disagrees with and explicitly traverses the rejection of claims 1-8 and 10-19 as being indefinite.

Claim 1 recites:

A record carrier comprising **at least one area for storing disc management information**, said record carrier further comprising an area, associated with **a first one of said at least one area**, said area comprising signals indicating which of **selected ones of each of said at least one area for storing disc management information is in use**, said signals being related to a corresponding one of said at least one area for storing disc management information.

Applicant submits that Figures 1 and 2, for example, illustrate at least one area (i.e., areas TDMA 0-4) and Figure 4 illustrates an area which includes signals indicating which of the TDMA 0-4 areas are in use. Thus, the specification teaches two areas; -- "at least one area" and "an area to indicate a filled or used at least one area."

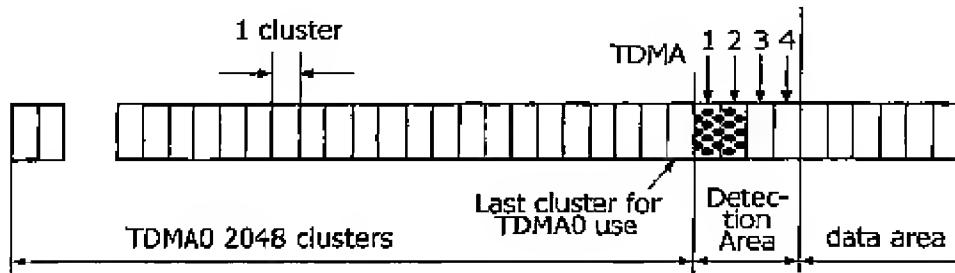


FIG. 4

This configuration of "at least one area" and "an area to indicate a filled or used at least one area" is described in the specification on page 4, lines 9-14, ("In these single layer and dual layer discs at least one TDMA area is available, that is TDMA0. In an embodiment of the invention a predefined number of clusters of the at least one TDMA area (TDMA0) is reserved to indicate a filled TDMA [i.e., an area associated with the at least one area]. This predefined number corresponds to the number of TDMA areas. In an alternative embodiment the at least one TDMA area (TDMA0) is followed by a Detection Area consisting of a predefined number of clusters reserved to indicate a filled TDMA (see figure 4).").

In addition, page 4, lines 15-24 teach " Figure 4 shows part of an information layer L0 of a dual layer disc (as is shown in figure 2) where a TDM0 consisting of 1048 clusters is followed by a Detection Area consisting of 4 clusters. The indication used is the presence of a high frequency (HF) indicator for each cluster representing one of the four subsequent TDMA areas (TDMA1 to TDMA4 in figure 2). The presence of a high frequency (HF) in a cluster in the Detection area indicates that the corresponding TDMA area (1, 2, 3 or 4) on the disc is in use. The data content of the clusters in the Detection Area itself is not relevant for the detection. In the example shown in figure 4, TDMA2 is the TDMA area currently being used by the drive for TDMA updates, while TDMA0 and TDMA1 are full or cannot be used anymore for some other reason."

Thus, applicant believes that there is sufficient discussion in the specification and the figures to support the subject matter of "at least one area" (i.e., TDMA0, TDMA1 ... etc.) and "**a first one of said at least one area**, (i.e., detection area) said area comprising signals (i.e., 1, 2, 3, 4, Figure 4), indicating which of **selected ones of each of said at least one area for storing disc management information is in use.**"

As the specification clearly provides both textual and graphic disclosure of the claimed subject matter, applicant submits that the reason for the rejection has been overcome.

In maintaining the rejection of the claims 1-8 and 10-19 under 35 USC 102, the Office Action asserts "Takahashi discloses a record carrier (1) comprising at least one area (21/15; DMWA) for storing disc management information, said record carrier further comprising an area (14), associated with a first one of said at least one area, comprising signals indicating which of 'selected ones of each of said at least one area for storing disc management information is in use, each of said signals being related to a corresponding one of said at least one area for storing disc management information (see Figs. 2, 5, 6, 8; corresponding

description for the drawings; for example see page 27, line 16-page 36, line 4). (emphasis in the original).

In addition, in reply to the Applicant's remarks in response to the previous Office Action, the Office Action further states "[a]pplicant argues that Takahashi fails to disclose any association of the DMW's in the form of an area, associated with a first one of said at least one area, comprising signals indicating which of selected ones of each of said at least one area for storing disc management information is in use, each of said signals being related to a corresponding one of said at least one area for storing disc management information. Takahashi clearly discloses 'an area' 14 'that is associated' and corresponding with every at least one (i.e., each) area 21/15; DMWA, which is for disc management information. Area (14) comprising signals indicating that such area for defect management information is in use, since the recording /reproducing apparatus obtains latest DMWA by the associating it's corresponding area 14. Takahashi clearly specifies that recorded area 14, which when recorded implies having such signals that defines neighboring areas between the recorded latest DMWA (in use) and unrecorded DMWA (not in use). Contrary to Applicant's assertion, Takahashi et. al do in fact disclose in forma [sic] of an area associated because also area 14 contains the defect list positional information for each of its corresponding 'selected' DMWA."

Applicant thanks the Examiner for his further explanation regarding the rejection of the claims. However, applicant continues to respectfully disagree with and explicitly traverse the rejection of the claims as Takahashi **does not** disclose 'an area' 14 'that is associated' and corresponding **with every at least one (i.e., each) area 21/15**; DMWA, which is for disc management information, as is asserted in the Office Action. Rather, as will be shown Takahashi discloses an area 14 that is associated with a single area 21/15 and that each area 21/15 has its own corresponding area 14.

With reference to Figure 2, Takahashi discloses a data structure of a WORM disc, wherein a plurality of defect management areas (DMA) 10, 11, 12 and 13 are shown in addition to a temporary management area 20. The

temporary management area 20 includes a plurality of defect management working areas 1-N, each of which is referred to as DMWA 21.

Takahashi teaches that "each of the DMA1 to the DMA4 contains a disc definition structure (hereinafter also referred to as 'DDS) 14 and a defect list ...15, where the DSS 14 precedes the DFL 15." (see page 26, line 18-21).

The DDS 14 includes information regarding the defect list 15, which includes positional information regarding defects in a corresponding management area. Takahashi teaches a similar configuration of a DSS 14 for the working areas (DMWA) 21 areas, "[i]n each defect management working area 21, a defect list 15 and a DSS 14 are provided in the direction from the beginning to the end of the temporary defect management area 20." (see page 25, lines 20-28). See also, Figure 2, where each of the defect management areas (e.g., 10, 11, 12 and 13) includes a disc definition structure 14 and a defect list 15 and each of the defect management working areas (e.g., #2) includes a defect list 15 and a disc definition structure 14).

Takahashi further discloses the DMWA 21 is used for temporarily recording defect management information which has been updated before the WORM disc is finalized. (see page 26, lines 26-21) and that the DMWA (21) #1-#N are sequentially allocated from the beginning toward the end of the defect management area 20 (see page 27, lines 16-20). Also see page 28, lines 1-7 which state, "...the temporary defect management area 20 containing defect management working areas 21 may not be necessarily contained in the lead-in area 4. The temporary defect management area 20 may be contained in, for example, the lead-out area 6 or the spare area 17 excluding the user data area 16."

Takahashi thus teaches each DMWA area 21 includes its own DSS area 14 in a manner similar to that of the management area (10). .

As each defect management area (10, 11, 12 and 13) and DMWA 21 includes its own corresponding (associated) disc definition structure 14 and defect list 15, each disc definition structure 14 provides information regarding the

**defect list15 related to a specific (or corresponding one) of the defect management area (10, 11, 12 and 13) or DMWA 21.**

Nowhere does Takahashi teach that the defect definition structure 14 (and defect list 15) associated with (or corresponding to) management area 10 is related to another management area (i.e., management areas 11, 12 or 13) or provides any information regarding another management area. Each of management areas 11, 12, and 13 includes their own defect definition structure 14 and associated defect list 15 and there is no discussion regarding any interaction between a DDS 14 associated with one management area and another DDS 14 or another management area. Similarly, the information contained in the defect definition structure 14 associated with management area 11 would not include information regarding defects in management areas 10, 12 or 13.

Hence, the DDS 14 is not comparable to the "area comprising signals indicating which of selected ones of each of said at least one area ... is in use." DDS 14 fails to include any information regarding an area other than the area (21/15) the DDS 14 is associated with.

In addition, Takahashi **cannot explicitly or implicitly teach that a "recorded area 14, which when recorded implies having such signals that defines neighboring areas between the recorded latest DMWA (in use) and unrecorded DMWA (not in use),**" as entries in defect definition structure 14 are indicators of defects in a single management area and the DDS 14 has nothing to do with any other area.

In describing that the DDS 14 may be between neighboring areas between a latest recorded DMWA and unrecorded DMWA Takahashi merely is describing that the DDS 14 is positioned after the recently used defect list 15 in the DMWA and the next unrecorded DMWA. The DDS 14 of the recently recorded DMWA has no other relationship with (other than being physically adjacent to) the next unrecorded DMWA.

Accordingly, Takahashi fails to teach the claim element "said area comprising signals indicating which of **selected ones of each of said at least one area for storing disc management information is in use.**"

In addition, as the defect definition structure 14 is used to record the presence of defects in a corresponding management area 10 or 11 or 12 or 13 (or a DMWA 21), there exists the possibility that in the case that there are no defects in an area (10, 11, 12, 13, 21) then the corresponding defect management structure 14 is empty. (see for example, page 36, lines 18-24 "[n]ote that the stored DSS 14 contains the defect list beginning positional information 30 which has been initialized to a predetermined value and in the store defect list 15, the number of defect entries in the defect list header has been initialized (the number of defect entries=0), i.e., the stored defect list 15 has no defect entry 33."

Thus, it is not possible to use the lack of entries in the defect management structure 14 (i.e., the DDS 14 includes the predetermined value) to indicate that a management area is not in use. Rather a management area that lacks any defects may be in use, and fully occupied, and the corresponding defect management structure 14 would not include any entries.

Thus, the defect definition structure 14 cannot explicitly or implicitly be used to determine whether the corresponding management area 10 or 11 or 12 or 13 (or corresponding DMWA 21) is in use.

Assuming further that defects exist in each of management areas 10, 11, 12 and 13, the corresponding defect definition structure 14 would include information regarding the defects. As discussed above, the information in each defect definition structure 14 only includes information regarding the corresponding management area and does not include information regarding another management area. That is the defect definition structure 14 associated with management area 10 does not include any information regarding defects in management area 11, 12 or 13. Similarly, the information contained in the defect definition structure 14 associated with management area 11 would not include information regarding defects in management areas 10, 12 or 13.

Hence, the defect definition structure 14 associated with management areas 10, 11, 13 and 13 is not comparable to the claim element "said area comprising signals indicating which of **selected ones of each of said at least one area for storing disc management information is in use**," because, each DSS 14 is associated with a single management area and provides no information (signals) regarding every management area or to indicate which of the management areas are in use.

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, Takahashi cannot be said to anticipate the subject matter recited in claims 1, 6 and 17, as Takahashi fails to disclose at least one material element recited in these claims.

With regard to the remaining claims, these claims are dependent from the independent claims and, hence, these remaining claims are also allowable by virtue of their dependency upon an allowable base claim.

Notwithstanding the arguments presented above, applicant has amended the independent claims to present subject matter claimed in better form. No new matter has been added.

For the amendments made to the claims and for the remarks made, herein, applicant submits that the reason for the rejections of the claims has been overcome and respectfully requests that the rejections be withdrawn and a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In order to advance the prosecution of the matter, applicant respectfully requests that any errors in form that do not alter the substantive nature of the arguments presented herein be transmitted telephonically to the applicant's representative so that such errors may be quickly resolved, or pursuant to MPEP 714.03 be entered into the record to avoid delay of the prosecution of this matter.

However, if the Examiner believes that such minor errors in form cannot be entered into the record or that the disposition of any issues arising from this response may be best resolved by a telephone call, then the Examiner is invited to contact applicant's representative at the telephone number listed below to resolve such minor errors or issues.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,  
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Date: November 13, 2010

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